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Wai Hing Lai

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BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
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EXAMINER

FIGUEROA, FELIX O

ART UNIT

PAPER NUMBER

2833

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/800,652
Filing Date: March 16, 2004
Appellant(s): LAI ET AL.

James A. LaBarre
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 30, 2006 appealing from the Office action mailed July 29, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 3,049,688	Sinopoli	08-1962
US 6,568,942 B2	Lau et al.	05-2003
US 6,004,157 A	Glass	12-1999
US 4,647,120	Karabakakis	03-1987
US 6,328,581 B1	Lee et al.	12-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 5, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinopoli (US 3,049,688) in view of Lau et al. (US 5,568,942).

Regarding claims 1, 2 and 11, Sinopoli discloses an electrical accessory (Fig.2) comprising engageable first (10) and second body members (19,20,21), the first body member including a receiving portion (26) adapted to be releasably engageable with a plug member (not labeled in Fig.1) of an electric cord of an electric appliance (col.1 line 15), the second body member (20) including a first plug member (21) being electrically connectable with an electricity mains supply (not shown, col.2 lines 15-17), a second member (ends of 19) adapted be engageable with the first body member and an electric cord (20) electrically connecting the first and second plug members, and a securing means (35) for securing the first body member to a surface (col.2 lines 53-55).

Sinopoli discloses substantially the claimed invention except for the first and second body members being releasable engageable. Lau teaches first and second body members (98 and 2) being releasably engageable, the second member (2) having

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a first plug member (4) connectable with an electricity mains supply, and a second plug member (6) adapted to be releasably engageable (by a magnet, col. 3 lines 25-30) with the first body member (98), and provided with at least two apertures sized and shaped to receive two pins (34,38) from a second receiving portion (at 98), wherein the second plug member is dis-connectable from the first body member upon pulling of and/or accidental tripping over the electric cord (see Lau, col. 1 lines 24-35); the second plug member being connectable with the first body member by a magnetic force (see Lau, col. 3 lines 25-30); and the first plug member and second plug member are connected by a second electric cord, in order to prevent the first body member from being turned over when the second body is accidentally pulled (col. 1 lines 24-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the second member of the second body member as a plug that can be releasably engageable with the first body, as taught by Lau, to prevent the first body member from being turned over when the second body is accidentally pulled.

Regarding claim 5, Sinopoli discloses the securing means being a suction cup (35).

Regarding claim 6, Sinopoli, as modified by Lau, discloses substantially the claimed invention except for length of the electric cord. To the extent that Sinopoli, as modified by Lau, does not specify exact dimension (length of the cord), workable dimensions of the of the electric cord would have been a matter of routine experimentation to one of ordinary skill in the art at the time of the invention. In re Antonie, 559 F.2d 618 (CCPA 1977). Please note that it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to use an electric cord of at least three feet in order to reach a particular wall outlet.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinopoli in view of Lau et al., as applied to claim 1 above, and further in view of Glass (US 6,004,157).

Sinopoli, as modified by Lau, discloses substantially the claimed invention except for securing means being a clamp. Glass teaches securing means in the form of a clamp (36) to provide a rugged and reliable connection (col.2 lines 51-53). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the securing means of Sinopoli as a clamp, as taught by Glass, to provide a rugged and reliable connection.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinopoli in view of Lau et al., as applied to claim 1 above, and further in view of Karabakakis (US 4,647,120).

Sinopoli, as modified by Lau, discloses substantially the claimed invention except for the ground pin. Karabakakis teaches a plug member (47) including a ground pin (52). The use of a ground pin provides current dissipation under fault conditions, and thus a more secure connector. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a second plug member including a ground pin, as taught by Karabakakis, to dissipate current under fault conditions and thus provide a more secure connector.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinopoli in view of Lau et al., as applied to claim 1 above, and further in view of Lee et al. (US 6,328,581).

Sinopoli, as modified by Lau, discloses substantially the claimed invention except for the ground plates. Lee teaches a plug member (Figs. 8A and 8B) including ground plates (141,142) on opposite sides of the plug member and being engaged with a first body (2). The use of ground plates, when use with a corresponding counterpart socket, provides current dissipation under fault conditions, and thus a more secure connector. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a second plug member including a ground pin, as taught by Lee, to dissipate current under fault conditions and thus provide a more secure connector.

(10) Response to Argument

In response to Appellant's arguments (in the third full paragraph of page 5) that the teaching of Lau "does not apply to the device of Sinapoli" because the device of Sinapoli is "secured to a flat surface", it is noted that that fact that the device of Sinapoli is "secured" does not prevent the device from being pulled and turned over to the floor. Particularly, while the suction cup use in Sinapoli is more secure than just placing the device on the desk, it is still possible that the device be turned over to the floor by pulling the cord. Nonetheless, it is noted that the teaching of Lau also provides a safer environment for user, i.e. a user that trips over the releasable cord is less likely to fall and/or suffer injury.

In response to Appellant's arguments that a combination of Sinapoli and Lau "would be make [on] the cord of the Appellant itself", it appears that Appellant is suggesting the device of Sinapoli is not an appliance. However, *Merriam-Webster's Medical Dictionary* defines "appliance" as "an instrument or device designed for a particular use", which encompasses a device as shown by Sinapoli.

Nonetheless, it is noted the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Additionally, it has been held that a prior art reference must either be in the field of Appellant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Appellant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Lau teaches the releasably engageable connection, to prevent the first body member from being turned over when the cord is accidentally pulled.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Felix O. Figueroa

Conferees:

Paula A. Bradley
SPE Art Unit 2833


P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800


Ricky L. Mack
SPE Art Unit 2873